

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

THE MEDICINES COMPANY,)	
)	No. 1:11-CV-01285
Plaintiff,)	
)	Hon. Amy J. St. Eve
v.)	
)	Hon. Susan E. Cox, Magistrate Judge
MYLAN INC., MYLAN)	
PHARMACEUTICALS INC., and)	
BIONICHE PHARMA USA, LLC,)	
)	
Defendants.)	

**THE MEDICINES COMPANY’S *DAUBERT* MOTION
TO PRECLUDE TESTIMONY AND OPINIONS OF IVAN T. HOFMANN**

Plaintiff The Medicines Company respectfully moves this Honorable Court for an Order precluding Mylan’s¹ expert Ivan T. Hofmann from offering testimony concerning his opinions in paragraphs 18, 20, 24-25, and 28 of his expert report. As described in greater detail in The Medicines Company’s accompanying brief, each of these opinions fails to meet the admissibility standards set forth in Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

Specifically, in Mr. Hofmann’s reports, he opines on patent-law requirements for commercial success and offers his interpretation of patent cases. Mr. Hofmann, however, is not a legal expert and lacks the qualifications to provide such opinions. Furthermore, opinions regarding the law are not proper expert testimony. Because the Court is already knowledgeable about the law, Mr. Hofmann’s opinions concerning patent cases will not assist the trier of fact. Accordingly, the Court should preclude Mr. Hofmann from testifying on his patent-law opinions in paragraphs 18, 20, 24-25, and 28 of his expert report.

¹ “Mylan” refers to defendants Mylan Inc., Mylan Pharmaceutical Inc., and Bioniche Pharma USA, LLC.

Dated: January 31, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Patricia S. Smart, certify that on this 31st day of January 2014 I electronically filed *The Medicines Company's Daubert Motion to Preclude Testimony and Opinions of Ivan T. Hofmann* with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel of record listed below:

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